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MEXICO

- 1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level?**

Mexican law does not prescribe any specific procedure for the incorporation of obligations imposed by the UN Security Council. However, according to article 133 of Mexico's Constitution, treaties signed and ratified by Mexico are *ipso facto* an integral part of our legal system. This provision could also be interpreted in the sense that no act of transformation of an international treaty of which Mexico is a party to is required. Therefore, international obligations imposed by the Security Council are mandatory within the Mexican legal system by virtue of article 25 of the UN Charter.

To some extent, Mexico's experience on implementing Security Council resolutions has followed the evolution registered by the UN organ. From 1946 until 1989 the Security Council adopted 646 resolutions and just in two cases (Southern Rhodesia, 1966, and South Africa, 1977) established sanctions against specific States. During that period there were not any difficulties implementing the UNSC resolutions and sanctions. In the latter case, mainly because they were directed against States and its dispositions concerned diplomatic actions to be carried out by the Mexican government.

The 1990's decade observed the evolution in the proceedings of the UNSC. The scope of sanctions evolved from its original nature (i.e. directed to States) to a broader scope. Hence, sanctions were imposed not only on States, but also on non-State actors and more recently on individuals. Mexico tried to keep up with this evolution, however, its legal system is probing the need for additional adjustments.

During the last decade the Mexican government published the sanctions imposed by the UN Security Council (UNSC) on Iraq and Kuwait, Yugoslavia (Serbia and Montenegro), Libya, Angola, Haiti, Liberia and Rwanda. In fact, from August 1990 till February 1996, twelve decrees were published in the "Diario Oficial de la Federación" (Official Journal of the Federation) informing about the establishment, suspension and repeal of sanction regimes against the above mentioned States.

Although there is not a specific procedure to incorporate UNSC sanctions resolutions into the Mexican legal system, there have been no constitutional problems in implementing their dispositions. However, as was pointed out before, there is a need for further adjustments in order to cope with the broader scope encompassed in the "new generation" of UNSC sanctions resolutions.

- 2. Does the choice depend on the content and the legal nature of the Security Council resolution?**

As stated above, the Mexican government's practice in the 1990's was related to the nature of the UNSC resolutions and procedures. The decrees' principle function was to inform concerned governmental agencies of their duties under resolutions, and to promote public awareness of the restrictions on free commerce with the countries subject to UN sanctions.

Bearing in mind the broader scope of current UNSC sanction resolutions, the Legal Adviser's Office of the Mexican Foreign Affairs Ministry is conducting an analysis aimed at identifying whether there is in fact a need for adjusting the Mexican legal system, and if so what kind of adjustments (legal or administrative) would be required to implement this kind of resolutions.

3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?

If the UNSC sanction resolution establishes a fixed period of time and since it is published in the "Diario Oficial de la Federación" (Official Journal of the Federation), there is no need for an additional legal order. If a specific sanction regime is concluded through a new resolution, then the publication of the latter would be required.

4. When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority which is competent to authorise export?

None of the decrees that were enacted by the Federal Executive in the 1990's established or appointed a specific national authority. However, existing governmental agencies in charge of foreign trade regulations are, by definition, responsible for implementing UN export embargoes and their exceptions.

5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?

Decisions adopted by Sanctions Committees have never been published in the Official Journal of the Federation. It is, however, important to underline that these decisions are, *ipso facto*, incorporated to our legal system insofar as they constitute an integral part of international obligations imposed by the Security Council to the international community.

6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights?

To present, no domestic act of this nature has been challenged, nor has a Mexican Court assumed jurisdiction in cases concerning Security Council resolutions. Nevertheless, UNSC resolutions establishing a "listing procedure" could pose a challenge to the national legal system. First, because this kind of resolutions do not provide for a judicial mechanism that could initiate a legal action in Mexico. Second, because there are not "delisting mechanisms" within the UNSC procedures nor any other procedure to compensate the individual for erroneously including him/her in a sanction list (particularly those referred to freezing financial and economic assets).